UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

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IN RE:

       JOVITA CALIMLIM,

                          Debtor.

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Hearing Date and Time:

November 28, 2018 at 10:00 am

Case No. 18-23098

Chapter 13

**OBJECTION TO
CONFIRMATION**

       Louis C. Greco, an attorney duly admitted to practice before this Court, affirms under penalty of perjury as follows:

       1.   I am an associate of the law firm of Cohn & Roth, LLC, attorneys for U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, (hereinafter "U.S. Bank"), a secured creditor of the Debtor herein, and as such, I am fully familiar with the facts and circumstances set forth herein.

       2.   U.S. Bank is a secured creditor of the Debtor by virtue of a Note and Mortgage executed by the Debtor, secured against the Debtor's real property known as 612 Baldwin Place, Mamaroneck, New York 10543.

       3.   The Debtor's Chapter 13 Plan was filed on September 7, 2018 as ECF Doc. No. 9 (hereinafter, "the Plan").

       4.   Pursuant to 11 U.S.C. §1325(a)(1) and (5), the Court may not confirm a plan which fails to comply with a provision of the Chapter 13 code, has been rejected by the holder of a secured claim or fails to distribute property of value equal to or greater than the allowed amount of a secured creditor's claim.

       5.   As referenced by its filed Proof of Claim, U.S. Bank currently asserts a claim for pre-petition arrears totaling $90,587.53. The Plan only provides to pay U.S. Bank $40,000.00 in pre-

petition arrears. Therefore, the Plan fails to satisfy 11 U.S.C. §1322(b)(1) and is not feasible because

it does not provide for full payment to U.S. Bank, a secured creditor.

6.   For the reason set forth above, the Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Mineola, New York
            November 12, 2018

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/s/ Louis C. Greco
Louis C. Greco
Cohn & Roth, LLC
Attorneys for Creditor
U.S. Bank Trust, N.A., as Trustee for
LSF8 Master Participation Trust
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